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Docket Number 03 PAT 192



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant:	Roy R. Vann	Date:	2 August 2004
Serial Number:	10/656,084	Examiner:	Matthew J. Smith
Filing Date:	5 September 2003	Art Unit:	3672
Title:	A Reciprocating Pump Dump Valve		

RESPONSE TO FIRST OFFICE ACTION AND AMENDMENTS

To the Honorable Commissioner for Patents
Mail Stop Amendment Fee
P.O. Box 1450
Arlington, Virginia 22313-1450

Sir:

This is the first amendment to the subject application in response to the Office Action mailed on July 6, 2004. A shortened statutory response period of three months was set by the Examiner, making the response due on or before October 6, 2004. The Office granted a Petition to Make Special because of Applicant's age. In light of the petition and the requirements of the Office, Applicant submits his response as quickly as possible.

In response to the Office Action, please amend the above-identified application, without prejudice, as follows:

Summary of the Office Action

As stated above the Petition to make Special was granted on June 16, 2004, and the application was accorded special status entitling the applicant to examination out of turn and an interference search. An interference search was completed on 22 April 2004. No interfering application was discovered.

The Examiner quoted from the appropriate paragraphs of 35 U.S.C. 102 that formed the basis for the next set of rejections:

A person shall be entitled to a patent unless
(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States

The Examiner rejected Claims 1 and 6* under 35 U.S.C. 102(b) as being anticipated by Hall (4103739). The Examiner stated that “Hall discloses hollow piston 30, barrel 40 allowing the piston to slide within, head 22 threaded to the piston, dump port 38, means 46 for slidingly retaining the piston within the barrel, wherein the piston is capable of limited upward (by shoulder 42) and downward movement (by bottom of head 22) within the barrel such that when the piston is fully upward (fig. 3) the dump port 38 is in communication with the barrel exterior or dumping position and when the piston is fully downward (fig. 2) the dump port is closed.”

The Examiner rejected Claims 1-7, 10 and 11 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 8, 10 and 12 of U.S. Patent 6,666,270 to Vann.

The Examiner allowed claims 13-15 and objected to claims 8, 9 and 12 as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

* It is believed that the Examiner intended to reject independent claim 10.